

AMENDED IN SENATE MAY 8, 2003
AMENDED IN SENATE APRIL 21, 2003
AMENDED IN SENATE MARCH 24, 2003

SENATE BILL

No. 373

Introduced by Senator Margett
(Coauthor: Assembly Member Nation)

February 19, 2003

An act to amend Section 64001 of, and to add Section 60242.1 to, the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 373, as amended, Margett. High performing schools.

Existing law requires the Superintendent of Public Instruction, by July 1, 1999, with approval of the State Board of Education, to develop an Academic Performance Index (API) to measure the performance of schools and to demonstrate comparable improvement in academic achievement by all numerically significant ethnic and socioeconomically disadvantaged subgroups within schools. Under existing law, only schools with 100 or more test scores contributing to the API may be included in the rankings.

This bill would require the board to establish a policy for approving the use of instructional materials not approved by the board and would provide that a school district in which at least 70% of the schools receive scores of 800 or more on the API for 3 of the immediately preceding 5 years, is authorized to purchase instructional materials that have not been approved by the board *and would require any school district that requests to use instructional materials not approved by the board to assure that all pupils attending a school that has scored in any of deciles*

1 to 4, inclusive, on the API are provided with standards aligned textbooks and instructional materials, as specified.

Existing law requires the Superintendent of Public Instruction to establish the content, process, and frequency for conducting reviews of district achievement related to categorical programs and compliance with state and federal categorical program requirements. Existing law also requires the superintendent to establish the content of these instruments, as specified.

This bill would require the superintendent to meet these requirements by July 1, 2004.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature that a school
2 deemed to be a high performing school, defined as a school that has
3 a score of 800 or greater on the Academic Performance Index and
4 has comparable achievement among pupil subgroups, not be
5 subject to Coordinated Compliance Review. The Superintendent
6 of Public Instruction shall establish a policy that limits, to the
7 extent a school is defined as high performing and has a record of
8 compliance with the required reviews, the requirement for annual
9 and periodic Coordinated Compliance Reviews.

10 SEC. 2. Section 60242.1 is added to the Education Code, to
11 read:

12 60242.1. (a) The State Board of Education shall establish a
13 policy for approving the use of instructional materials funds for the
14 purchase of materials that have not been adopted by the board
15 pursuant to Section 60200. This policy shall only apply to school
16 districts in which 70 percent or more of the schools have scores of
17 800 or greater on the Academic Performance Index, established
18 pursuant to Section 52052, for three of the immediately preceding
19 five years.

20 (b) Notwithstanding Section 60200, a school district that meets
21 the requirement set forth in subdivision (a) may purchase
22 instructional materials that have not been adopted by the board,
23 pursuant to the policy established in subdivision (a).

24 (c) *As part of its request to use instructional materials that have*
25 *not been adopted by the board pursuant to subdivision (a), a school*



1 *district shall provide assurance to the board that all pupils*
2 *attending a school that has scored in any of deciles one to four,*
3 *inclusive, on the Academic Performance Index are provided with*
4 *standards aligned textbooks or instructional materials, as adopted*
5 *by the board subsequent to the adoption of content standards*
6 *pursuant to Section 60605 for kindergarten and grades 1 to 8,*
7 *inclusive, or as adopted by the local governing board of the school*
8 *district pursuant to Sections 60400 and 60411, for grades 9 to 12,*
9 *inclusive.*

10 SEC. 3. Section 64001 of the Education Code is amended to
11 read:

12 64001. (a) (1) Notwithstanding any other provision of law,
13 a school district is not required to submit to the State Department
14 of Education, as part of the consolidated application, school plans
15 for categorical programs subject to this part. School districts shall
16 assure, in the consolidated application, that the Single Plan for
17 Pupil Achievement established pursuant to subdivision (d) has
18 been prepared in accordance with law, that schoolsite councils
19 have developed and approved a plan, to be known as the Single
20 Plan for Pupil Achievement for schools participating in programs
21 funded through the consolidated application process, and any
22 other school program they choose to include, and that school plans
23 were developed with the review, certification, and advice of any
24 applicable school advisory committees. The Single Plan for Pupil
25 Achievement may also be referred to as the Single Plan for Student
26 Achievement. The consolidated application shall also include
27 certifications by appropriate district advisory committees that the
28 application was developed with review and advice of those
29 committees.

30 (2) For any consolidated application that does not include the
31 necessary certifications or assurances, the State Department of
32 Education shall initiate an investigation to determine whether the
33 consolidated application and Single Plan for Pupil Achievement
34 were developed in accordance with law and with the involvement
35 of applicable advisory committees and schoolsite councils.

36 (b) (1) Onsite school and district compliance reviews of
37 categorical programs shall continue, and school plans shall be
38 required and reviewed as part of these onsite visits and compliance
39 reviews.



(2) By July 1, 2004, the Superintendent of Public Instruction shall do both of the following:

(A) Establish the process and frequency for conducting reviews of district achievement and compliance with state and federal categorical program requirements.

(B) Establish the content of these instruments, including criteria for differentiating these reviews based on the achievement of pupils, as demonstrated by the Academic Performance Index developed pursuant to Section 52052, and evidence of district compliance with state and federal law. The State Board of Education shall review the content of these instruments for consistency with State Board of Education policy.

(c) (1) A school district shall submit school plans whenever the State Department of Education requires the plans in order to effectively administer any categorical program subject to this part. The State Department of Education may require submission of the school plan for any school that is the specific subject of a complaint involving any categorical program or service subject to this part.

(2) The State Department of Education may require a school district to submit other data or information as may be necessary for the department to effectively administer any categorical program subject to this part.

(d) Notwithstanding any other provision of law, as a condition of receiving state funding for a categorical program pursuant to Section 64000, and in lieu of the information submission requirements that were previously required by this section prior to the amendments that added this subdivision and subdivisions (e) to (i), inclusive, school districts shall ensure that each school in a district that operates any categorical programs subject to this part consolidates any plans that are required by those programs into a single plan. Schools may consolidate any plans that are required by federal programs subject to this part into this plan, unless otherwise prohibited by federal law. This plan shall be known as the Single Plan for Pupil Achievement or may be referred to as the Single Plan for Student Achievement.

(e) Plans developed pursuant to subdivision (d) of Section 52054, and Section 6314 and following of Title 20 of the United States Code, shall satisfy this requirement.

(f) Notwithstanding any other provision of law, the content of a Single Plan for Pupil Achievement shall be aligned with school

1 goals for improving pupil achievement. School goals shall be
2 based upon an analysis of verifiable state data, including the
3 Academic Performance Index developed pursuant to Section
4 52052 and the English Language Development test developed
5 pursuant to Section 60810, and may include any data voluntarily
6 developed by districts to measure pupil achievement. The Single
7 Plan for Pupil Achievement shall, at a minimum, address the
8 manner in which funds provided to the school through any of the
9 sources identified in Section 64000 will be used to improve the
10 academic performance of all pupils to the level of the performance
11 goals, as established by the Academic Performance Index
12 developed pursuant to Section 52052. The plan shall also identify
13 the schools' means of evaluating progress toward accomplishing
14 those goals and the manner in which state and federal law
15 governing these programs will be implemented.

16 (g) The plan required by this section shall be reviewed annually
17 and updated, including proposed expenditure of funds allocated to
18 the school through the consolidated application, by the schoolsite
19 council, or, if the school does not have a schoolsite council, by
20 schoolwide advisory groups or school support groups that
21 conform to the requirements of Section 52012. The plans shall be
22 reviewed and approved by the governing board of the local
23 education agency at a regularly scheduled meeting whenever there
24 are material changes that affect the academic programs for
25 students covered by programs identified in Section 64000.

26 (h) The school plan and subsequent revisions shall be reviewed
27 and approved by the governing board of the school district. School
28 district governing boards shall certify that, to the extent allowable
29 under federal law, plans developed for purposes of this section are
30 consistent with district local improvement plans that are required
31 as a condition of receiving federal funding.

32 (i) This section does not prevent a school district, at its
33 discretion, from conducting an independent review pursuant to
34 subdivision (c) of Section 64001 as that section read on January 1,
35 2001.

